

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STMicroelectronics, Inc.

Plaintiff,

VS.

MOTOROLA, INC., and

FREESCALE, INC.

Defendants,

Counterclaim Plaintiffs,

VS.

STMicroelectronics, N.V., and**STMicroelectronics, Inc.,**

Counterclaim Defendants.

[illegible]

Civil Action No. 4:03-CV-276

Judge Leonard E. Davis

Jury Trial Demanded

THE ST PARTIES' MOTION TO EXTEND PAGE LIMITS

1. STMicroelectronics, N.V., and STMicroelectronics, Inc.(collectively “the ST Parties”) move the Court to extend the page limit for their Sur-Reply in Opposition to Motorola’s Motion for Partial Summary Judgment on the Diaz Patent for Its Set-Top Box Products.

2. Motorola, Inc. (“Motorola”) has filed a Motion for Summary Judgment of Patent Exhaustion of the Diaz Patent With Respect to Motorola’s Set-Top Box Products (the “Patent Exhaustion Motion”). The ST Parties then filed an Opposition to the Patent Exhaustion Motion which included the Declaration of Omid E. Kia, Ph.D. (“Kia Declaration”).

3. On September 24, 2004, Motorola filed an Unopposed Motion for Leave to Exceed Page Limits With Respect to Replies to Motorola's Exhaustion Motion. In its motion to exceed page limits, Motorola stated that it "agrees that STM may exceed the limits set forth in L.R. CV-7(a)(1) by five pages for STM's sur-reply to the Exhaustion Motion." Accordingly,

Motorola agreed not to oppose the ST Parties' right to file a sur-reply that does not exceed fifteen (15) pages, including attachments.

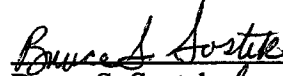
4. Motorola has now filed a Reply in Support of the Patent Exhaustion Motion. In its Reply (as well as Motorola's separate motion to strike most of the Kia Declaration), Motorola has complained that the materials reviewed by Dr. Kia as he formed his expert opinion were not submitted for the Court's consideration. Although all of these materials were originally produced by Motorola, the ST Parties are now forced to submit a Supplemental Declaration of Omid E. Kia, Ph.D. ("Supplemental Kia Declaration") that includes the many Motorola-produced documents reviewed by Dr. Kia for his original Kia Declaration.

5. The ST Parties' sur-reply brief and the Supplemental Kia Declaration do not exceed fifteen (15) pages. However, Motorola has left the ST Parties with no option but to attach "the technical documentation that Motorola has produced for the Broadcom BCM 7XXX devices." While the ST Parties do not wish to burden the Court with these voluminous documents, Motorola has forced the ST Parties to do so.

For these reasons, the ST Parties move for leave to file a sur-reply that includes attachments in excess of the standard page limit.

Dated: October 4, 2004

Respectfully submitted,



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CERTIFICATE OF CONFERENCE

On October 4, 2004, counsel for STMicroelectronics, N.V., transmitted an email to counsel for Motorola, Inc. (Hilda Galvan and David Witcoff) inquiring whether Motorola opposes the ST Parties' Motion to Extend Page Limits. The email advised that the ST Parties would consider the motion opposed if counsel for Motorola did not respond by 4 pm on October 4th. Since no response was received from counsel for Motorola, it is presumed that Motorola opposes this motion.



Kelly J. Kubasta

CERTIFICATE OF SERVICE

On the 4th day of October, 2004, a true and correct copy of this brief was served on the following counsel of record via Federal Express:

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